

KEVIN V. RYAN (CASBN 118321)
United States Attorney

MARK L. KROTOSKI (CASBN 301887)
Chief, Criminal Division

THOMAS P. MAZZUCCO ((CSBN 139758)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7289
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. 3-06-70479 MAG

Plaintiff,)

v.)

JOHNSON MAI,)
a/k/a Zhi Xiong Mai,)
a/k/a Uncle Hong,)
a/k/a Chi Hong Mak,)
a/k/a Hong Suk;)

LISA LEE,)
a/k/a Xiao Ling Li;)

KAI LUN ZHENG,)
a/k/a Wai Keung Cheung,)
a/k/a Su Ming,)
a/k/a Alan Zheng;)

ZHI EN HUANG,)
a/k/a Gao Lo;)

DAVID YUEN,)
a/k/a Lo Wu ,)
a/k/a Wu So Gor; and)
ERIC YU HENG CAI;)

Defendants.)

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM SEPTEMBER 6, 2006 TO
SEPTEMBER 27, 2006 AND
EXCLUDING TIME FROM THE SPEEDY
TRIAL ACT CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendants, the Court
enters this order scheduling an arraignment or preliminary hearing on September 27, 2006 at

STIPULATION AND ~~PROPOSED~~ ORDER
[3-06-70479] [MAG]

1 9:30A.M. before the duty magistrate judge, and documenting the defendants' waiver of the
2 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
3 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 6, 2006 to September 27,
4 2006. The parties agree, and the Court finds and holds, as follows:

5 1. The defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
6 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence.

8 2. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for
9 preliminary hearing.

10 3. All counsel for the defendants believe that postponing the preliminary hearing is in the
11 clients' best interest, and that it is not in their clients' interest for the United States to indict the
12 case during the normal 10-day timeline established in Rule 5.1. All counsel for the defendants
13 have specifically considered the need for additional time to continue consultations with Pretrial
14 Services on the question of their clients' eligibility for pretrial diversion.

15 4. The Court finds that, taking into account the public interest in the prompt disposition
16 of criminal cases, these grounds are good cause for extending the time limits for a preliminary
17 hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court
18 finds that the ends of justice served by excluding the period from September 6, 2006 to
19 September 27, 2006 outweigh the best interest of the public and the defendants in a speedy trial.
20 § 3161(h)(8)(A).

21 5. Accordingly, and with the consent of the defendant, the Court (1) alternatively sets a
22 preliminary hearing or arraignment before the duty magistrate judge on September 27, 2006 at
23 9:30A.M., and (2) orders that the period from September 6, 2006 to September 27, 2006 be
24 excluded from the time period for preliminary hearings under Federal Rule of Criminal
25 Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) &
26 (B)(iv).

27 //

28 STIPULATION AND ~~PROPOSED~~ ORDER
[3-06-70479] [MAG]

IT IS SO STIPULATED:

DATED: 9/23/06

/S/ Robert Waggener
ROBERT WAGGENER
Attorney for Defendant Johnson Mai

DATED: 9/22/06

/S/ Tony Tamburello
TONY TAMBURELLO
Attorney for Defendant Lisa Lee

DATED: 9/19/06

/S/ Brian Getz
BRIAN GETZ
Attorney for Defendant Zhi En Huang

DATED: 9/28/06

/S/ Stuart Hanlon
STUART HANLON
Attorney for Defendant David Yuen

DATED: 9/22/06

/S/ Randy Montesano
RANDY MONTESANO
Attorney for Defendant Eric Yu Heng Cai

IT IS SO ORDERED.

DATED: 10-10-06

